

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4826 OF 2019

Shri. Sahebrao Ramchandra Ahire

.....Petitioner

Versus

The State of Maharashtra & Ors.

.....Respondents

Mr. Surel S. Shah for the Petitioner.

Ms. R.M. Shinde, AGP for the Respondent-State.

**CORAM : RANJIT MORE &
SURENDRA P. TAVADE, JJ.**

DATE : 12th DECEMBER, 2019.

P. C. :

1. Heard learned counsel for the respective parties.
2. By the Order dated 29.06.2018 passed by respondent No.1, the petitioner is transferred from ITI Malegaon, District Nashik to ITI Shrirampur, Dist. Ahmednagar. The petitioner challenged this order by filing Original Application No.680/2018. The same was dismissed by the Maharashtra Administrative Tribunal, Mumbai vide its Judgment and Order dated 13.12.2018.
3. Though the transfer was effected by order dated 29.06.2018, the petitioner has not still joined the transferred place. The distance between Malegaon and Shrirampur is hardly 100 kms. Be that as it may, the grievance of the petitioner is that he was transferred in the mid-term. The

Tribunal has considered the petitioner's claim and recorded a finding that the transfer order is squarely covered under the situation contemplated in Section 4(4)(i) and Section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. The Tribunal having considered the decision of this Court in ***V.B. Gadekar, Deputy Engineer Vs. MHADA***¹ concluded that the application being devoid of merit deserves to be dismissed.

4. The transfer is an incident of service. Taking into consideration the distance between the place where the petitioner was serving and the place where he is transferred coupled with the reasons given by the Tribunal, which we found to be correct, we are not inclined to entertain this writ petition as the same being devoid of merit.

5. Accordingly, we dismiss the writ petition.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]

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